

MANDATE

W.D.N.Y.
04-cv-826
Bianchini, M.J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 8th day of November, two thousand ten,

Present:

José A. Cabranes,
Denny Chin,
Circuit Judges,
Stefan R. Underhill,*
District Judge.

Jonathan Parker,
Petitioner-Appellant,

v.

10-2615-pr

William Phillips,
Respondent-Appellee.

Appellant, *pro se*, moves for a certificate of appealability, to proceed *in forma pauperis*, and for appointment of counsel. Upon due consideration, it is hereby ORDERED that the motion is DENIED and the appeal is DISMISSED because Appellant has not made a “substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c); *see also Miller-El v. Cockrell*, 537 U.S. 322 (2003).

FOR THE COURT:
Catherine O’Hagan Wolfe, Clerk

A True Copy

Catherine O’Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

 

 

*Judge Stefan R. Underhill, of the United States District Court for the District of Connecticut, sitting by designation.

SAO-EWC

MANDATE ISSUED ON 01/06/2011